

NOW, THEREFORE, IT IS ORDERED THAT:

1. United States Chief Magistrate Judge Martin C. Carlson's December 16, 2013 Report and Recommendation (ECF No. 16) is ADOPTED in full.
2. The Defendants Motion to Dismiss (ECF No. 4) is DENIED.

BY THE COURT:

s/Matthew W. Brann
Matthew W. Brann
United States District Judge